

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

February 13, 2007

In the Matter of
Rehabilitative Resources, Inc

Docket No. 2006-116
File No. PAN-CE-06-C004
Sturbridge

FINAL DECISION

Although a Final Decision was issued in this matter from the Division of Administrative Law Appeals, that decision did not approve the settlement agreement resolving this matter, as described in 310 CMR 1.01(8) (c). The delegation of authority to the Administrative Magistrates at the Division does not include the acceptance and approval of settlement agreements, particular those, like the agreement in this case, which require the payment of a civil administrative penalty. Settlement agreements must be filed at MassDEP, with a copy to the Presiding Officer, for the Commissioner's approval. 310 CMR 1.01(8)(c). See also Delegation of Authority to ALJs In Management of Adjudicatory Appeals (January 2, 1997); Commissioner's Directive Concerning Adjudicatory Proceedings (April 23, 2004).¹

¹ The Final Decision issued from the Division of Administrative Law Appeals also includes instructions for filing a Motion for Reconsideration at the Division. No delegation of authority has been made to the Division to decide Motions for Reconsideration, and settlement agreements submitted pursuant to 310 CMR 1.01(8)(c) must include a waiver of all rights to further administrative review. The Settlement Agreement resolving this case includes the required waiver in paragraph 3.

I therefore issue this Final Decision after reviewing the attached Settlement Agreement by Administrative Consent Order with Penalty and Notice of Noncompliance signed by Lori A. Richardson, President of the petitioner Rehabilitative Resources Inc. on January 30, 2007, and by Martin Suuberg, on behalf of the Department on February 1, 2007 (ACOP-CE-07-Z001-C-SETT).

In accordance with the terms of paragraph 14 of the Settlement Agreement, the petitioner is ordered to pay a civil administrative penalty of twenty thousand dollars (\$20,000).

The Department issues this Final Decision incorporating the Settlement Agreement. Under the terms of 310 CMR 1.01(8)(c), these proceedings are dismissed with the parties waiving whatever rights they may have to further administrative review before the Department as well as appeal to court.

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Arleen O'Donnell
Acting Commissioner